

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SIMPLEAIR, INC. )  
Plaintiff )  
v. ) Civil Action No. 2:11-CV-416-MHS  
MICROSOFT CORPORATION, ET AL. )  
Defendants. )

**DEFENDANTS' NOTICE OF COMPLIANCE REGARDING LETTER BRIEF  
SEEKING PERMISSION TO FILE MOTION FOR SUMMARY JUDGMENT OF  
INVALIDITY BASED ON PRIOR ART BECAUSE OF LACK OF BENEFIT OF  
PRIORITY TO PROVISIONAL APPLICATION**

In compliance with the Court's Standing Order regarding Letter Briefs, Defendants file this Notice of their Letter Brief to the Court seeking permission to file a motion for summary judgment of invalidity **based on prior art because of lack of benefit of priority to provision application.** A copy of the letter is attached as Exhibit 1.

DATED: August 19, 2013

Respectfully submitted,

/s/ Patrick A. Lujin

Patrick A. Lujin ([lujin@shb.com](mailto:lujin@shb.com))  
B. Trent Webb ([bwebb@shb.com](mailto:bwebb@shb.com))  
Jesse J. Camacho ([jcamacho@shb.com](mailto:jcamacho@shb.com))  
Christine A. Guastello  
([cguastello@shb.com](mailto:cguastello@shb.com))  
Mary Jane Peal ([mpeal@shb.com](mailto:mpeal@shb.com))  
[Andrew C. Cooper \(accooper@shb.com\)](mailto:Andrew.C.Cooper@shb.com)

SHOOK HARDY & BACON LLP  
2555 Grand Blvd.  
Kansas City, MO 64108  
Telephone: (816) 474-6550  
Facsimile: (816) 421-5547

William B. Dawson  
Tracey B. Davies

/s/ E. Danielle T. Williams

E. Danielle T. Williams (NC Bar No. 23283)  
KILPATRICK TOWNSEND & STOCKTON  
1001 W. Fourth Street  
Winston-Salem, NC 27101  
Telephone: (336) 607-7300  
Facsimile: (336) 607-7500  
[dtwilliams@kilpatricktownsend.com](mailto:dtwilliams@kilpatricktownsend.com)

Mitchell G. Stockwell (GA Bar No. 682912)  
Russell A. Korn (GA Bar No. 428492)  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309-4528  
Telephone: (404) 815-6500  
Facsimile: (404) 815-6555  
[mstockwell@kilpatricktownsend.com](mailto:mstockwell@kilpatricktownsend.com)

GIBSON, DUNN & CRUTCHER LLP  
2100 McKinney Avenue  
Suite 1100  
Dallas, TX 75201-6912  
Telephone: (214) 698-3100  
Facsimile: (214) 571-2900  
[wdawson@gibsondunn.com](mailto:wdawson@gibsondunn.com)  
[tdavies@gibsondunn.com](mailto:tdavies@gibsondunn.com)

Alison R. Watkins  
(CA Bar No. 253023) GIBSON, DUNN &  
CRUTCHER LLP  
1881 Page Mill Road  
Palo Alto, CA 94304-1211  
Telephone: (650) 849-5249  
Facsimile: (650) 849-5049  
[awatkins@gibsondunn.com](mailto:awatkins@gibsondunn.com)

/s/ Melissa R. Smith  
Melissa Richards Smith  
GILLAM & SMITH, LLP  
303 South Washington Avenue  
Marshall, TX 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257  
[Melissa@gillamsmithlaw.com](mailto:Melissa@gillamsmithlaw.com)

*Attorneys for Defendant Microsoft  
Corporation*

/s/ Hilda Galvan  
Hilda Contreras Galvan  
Keith Bryan Davis  
JONES DAY  
2727 N. Harwood Street  
Dallas, TX 75201  
Telephone: (214) 969-4556  
Facsimile: (214) 969-5100  
[hgalvan@jonesday.com](mailto:hgalvan@jonesday.com)  
[kbdavis@jonesday.com](mailto:kbdavis@jonesday.com)

*Attorneys for Defendant Ericsson, Inc.*

[rkorn@kipatricktownsend.com](mailto:rkorn@kipatricktownsend.com)

Jessica L. Hannah (CA Bar No. 261802)  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111  
Telephone: (415) 576-0200  
Facsimile: (415) 576-0300  
[jhannah@kilpatricktownsend.com](mailto:jhannah@kilpatricktownsend.com)

Jennifer Parker Ainsworth  
Wilson, Robertson & Cornelius, P.C.  
Texas State Bar No. 00784720  
One American Center  
909 ESE Loop 323, Suite 400  
Tyler, TX 75701  
Tel. (903) 509-5000  
Fax (903) 509-5092  
Email: [jainsworth@wilsonlawfirm.com](mailto:jainsworth@wilsonlawfirm.com)

*Attorneys for Google Inc. and Motorola  
Mobility LLC*

/s/ John H. McDowell  
Benjamin Jack Setnick  
John H. McDowell, Jr.  
ANDREWS KURTH LLP  
1717 Main Street, Suite 3700  
Dallas, TX 75201  
Telephone: (214) 659-4737  
Facsimile: (214) 915-1434  
[bensetnick@andrewskurth.com](mailto:bensetnick@andrewskurth.com)  
[johnmcdowell@andrewskurth.com](mailto:johnmcdowell@andrewskurth.com)

*Attorneys for Defendants  
Sony Mobile Communications AB and  
Sony Mobile Communications (USA) Inc.*

*/s/ Scott F. Partridge*  
Scott F. Partridge  
Bradley Bowling  
BAKER BOTTS  
LLP  
910 Louisiana  
Houston, TX 77002  
Telephone (713) 229-1802  
Facsimile: (713) 229-7769  
[Scott.partridge@bakerbotts.com](mailto:Scott.partridge@bakerbotts.com)  
[Brad.bowling@bakerbotts.com](mailto:Brad.bowling@bakerbotts.com)

*Attorneys for Defendant Futurewei  
Technologies, Inc. and Huawei  
Technologies Co., Ltd.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 19, 2013, a copy of the foregoing was served via email on counsel of record.

*/s/ Melissa Richards Smith*